

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request of Level 3 for Special Temporary	)	
Authorization of Numbering Resources	)	
In Area Code 603;	)	WC Docket No. 08-154
	)	
Emergency Petition of Level 3 for	)	
Assignment of Additional Telephone	)	
Numbers in Area Code 603	)	WC Docket No. 08-154

**COMMENTS OF NEUSTAR, INC.  
AS THE NATIONAL THOUSANDS-BLOCK POOLING ADMINISTRATOR**

NeuStar, Inc. (NeuStar), as the national Thousands-Block Pooling Administrator (PA), submits the following comments in response to the Request of Level 3 Communications (Level 3) for Special Temporary Authorization of Numbering Resources in Area Code 603 (STA Request) and Emergency Petition of Level 3 for Assignment of Additional Telephone Numbers in Area Code 603 (Emergency Petition) (collectively referred to as the Petitions), in response to the Federal Communications Commission's (FCC's) Public Notices dated July 24, 2008.<sup>1</sup> These comments respond to both the Emergency Petition and the STA Request.

In its STA Request, Level 3 requests that the Bureau direct the North American Numbering Plan Administrator to immediately assign and release a thousands-block growth

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<sup>1</sup> *Wireline Competition Bureau Seeks Comment on Level 3's Request for Special Temporary Authorization of Thousand-Block Codes in Area Code 603*, Public Notice, WC Docket No. 08-154, DA 08-1731 (rel. July 24, 2008) (STA Public Notice); *Pleading Cycle Established for Comments on Level 3's Emergency Petition for Assignment of Additional Telephone Numbers in Area Code 603*, Public Notice, WC Docket No. 08-154, DA 08-1732, (rel. July 24, 2008) (Emergency Petition Public Notice).

code in a number of rate centers where exhaust has been reached or is imminent. The PA takes no position on whether the FCC should grant or deny the Petitions. Rather, in these comments, NeuStar, as the PA, clarifies that it is the PA and not the NANPA that administers thousands blocks. The PA further addresses Level 3's assertions that, by following the directives of the New Hampshire Public Utilities Commission (NHPUC), the PA has not acted in a neutral manner, and has not complied with applicable law. As a neutral administrator, the PA assigns these thousands-blocks in a non-discriminatory manner in accordance with FCC rules and regulations and industry-developed guidelines.

**I. The PA, not the NANPA, administers thousands blocks.**

New Hampshire was one of the first states to institute pooling under delegated authority from the FCC prior to the implementation of national pooling.<sup>2</sup> On January 7, 2000, the New Hampshire Public Utilities Commission (NHPUC) issued Order No. 23,385, requiring all LNP-capable carriers to participate in a pooling trial. NeuStar conducted the First Implementation Meeting on February 4, and the trial began in May, 2000. Since that time, pooling has been mandatory in the great majority of rate centers in New Hampshire.<sup>3</sup> In the Fourth NRO Order,<sup>4</sup> the FCC directed that a carrier seeking resources in a pooling rate center, even if the resource is a central office code, must apply to the pooling

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<sup>2</sup> On November 30, 1999, the FCC granted the NHPUC's *Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, DA 99-2634, CC Docket No. 96-98.

<sup>3</sup> There are 149 rate centers in New Hampshire: 32 FCC mandatory, 92 state trial mandatory, 14 optional, and 11 excluded.

<sup>4</sup> *Fourth Report and Order in CC Docket NO. 99-200 and CC Docket NO. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket NO. 99-200*, (rel. June 18, 2003).

administrator for those resources, as follows: “[W]e direct the NANPA to cease assignment of NXX codes to carriers after they are required to participate in pooling. Carriers required to participate in pooling must request and receive numbering resources from the national Pooling Administrator (PA).” At Par. 14.

Level 3 has been applying to the PA for numbering resources in New Hampshire since 2003. When a service provider applies for a central office code (CO Code), rather than a block, the PA processes the application and passes it through to the NANPA, as required by Section 7.4.4 of the Thousands-Block Pooling Administration Guidelines. However, in the past three years, Level 3 has made only one application for a CO code that the PA has passed through to the NANPA. That application was filed shortly before the NHPUC began reviewing all applications for resources filed by wireline carriers in New Hampshire. All of Level 3’s other applications for resources in New Hampshire since August 2005, have been processed by the PA.

**II. The PA administers numbering resources in a non-discriminatory manner in accordance with Commission rules and regulations and industry-developed guidelines.**

The FCC rules require that an applicant for numbering resources “must be authorized to provide service in the area for which the numbering resources are being requested.”<sup>5</sup> For wireline carriers, such as Level 3, that authorization is generally in the form of a state certification. In 2005, New Hampshire altered its existing rules, and required that such state certification is contingent upon the carrier satisfying the local nexus test for each application for numbering resources. The PA concluded that any determination that a carrier had (or

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<sup>5</sup> 47 CFR 52.15 (g)(2)(i).

had not) met the local nexus test was a legal question concerning certification pursuant to state law and thus beyond the authority of the PA. As a question of state law, the NHPUC is the primary authority on whether a carrier should be certified by the state to provide service in any particular rate center within such state. The PA and the NHPUC staff agreed that the PA would look to the NH PUC to advise whether a carrier is authorized under New Hampshire law to provide service in the rate center for which each request for numbering resources was submitted. The PA and NHPUC staff instituted a process pursuant to which the pooling administrator is advised by NHPUC staff as applications are received, as to whether, under state law, the wireline carrier is certified to receive numbers in the rate center for which it is seeking resources.<sup>6</sup> In each of the instances referenced in the Level 3 Petitions, the NHPUC staff advised the PA that Level 3 did not meet certification requirements in that rate center, and that the application should be denied. Accordingly, we denied the request.

New Hampshire is not the only state that does not unconditionally certify carriers statewide. To the best of our knowledge and belief, twenty states certify carriers in areas that are smaller than the whole state. Some certifications are contingent upon the subsequent filing of tariffs or other subsequent actions. Furthermore, eighteen states receive a daily

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<sup>6</sup> This process was publicly documented on pp. 17-18 of the 2005 National Thousands-Block Pooling Administration Annual Report, which was filed with the FCC on March 30, 2006. In pertinent part, the report reads: “The NHPUC and the PA reached a cooperative agreement for processing applications in New Hampshire that was effective August 29 that involved the NHPUC staff informing the PA on a daily basis about whether existing wireline applications were consistent with the [state] order, and could be processed or denied.”

The report was also posted on the national pooling administration website from March 30, 2006 - March 31, 2007, when it was superseded by the 2006 Annual Report.

report from the Pooling Administration System (PAS) advising them of recently filed applications for numbering resources within the state. Many of those are states that do not unconditionally certify statewide. There have been many other instances in which the PA has been notified by a state commission numbering staff member that a particular wireline application should be denied because the carrier has not met certification requirements in the rate center in which it is applying for numbers. When the PA is advised in this manner to deny an application based on a state certification issue, the PA acts accordingly. The PA has treated Level 3 in the same manner that it has treated other wireline carriers in New Hampshire.

The PA has received 822 separate applications for a total of 893 thousands-blocks for numbering resources in New Hampshire since the advisory process was implemented in August 2005. Of those 893 requests for thousands-blocks, 355 from 20 distinct companies have been denied because the NHPUC staff advised that the carrier was not certified in that rate center. For example, the most recent denials occurred on June 3, 2008.

### **III. Summary**

In summary, the PA is the proper entity to provide numbering resources to Level 3 in the great majority of rate centers in New Hampshire. The PA has consistently followed the directives of the NHPUC staff in granting or denying resources based upon the state's local nexus test; this is consistent with the conduct of the PA in any situation in which the state

certification does not encompass the entire state, or is subject to conditions, and the state commission advises that the certification is not valid in a given rate center. The PA takes no position with respect to the grant or denial of the Petitions, and will conduct itself according to the directives of the FCC.

Respectfully submitted,

/s/ \_\_\_\_\_  
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